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Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Programme budget for the biennium 2012-2013

Situation of human rights in Myanmar

Programme budget implications of draft resolution A/C.3/67/L.49/Rev.1

Statement submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly

I. Introduction

1. At its 43rd meeting, on 26 November 2012, the Third Committee adopted draft resolution A/C.3/67/L.49/Rev.1 on the situation of human rights in Myanmar. The Committee was informed of the programme budget implications of the draft resolution in the statement submitted by the Secretary-General (A/C.3/67/L.70).

II. Requests contained in the draft resolution

2. Under the terms of paragraph 21 of draft resolution A/C.3/67/L.49/Rev.1, the General Assembly would request the Secretary-General:

(a) To continue to provide his good offices and to pursue his discussions on the situation of human rights, the transition to democracy and the national reconciliation process with the Government and the people of Myanmar, involving all relevant stakeholders, including democracy and human rights groups, and to offer technical assistance to the Government in this regard;

(b) To give all necessary assistance to enable the Special Adviser and the Special Rapporteur to discharge their mandates fully, effectively and in a coordinated manner;

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(c) To report to the General Assembly at its sixty-eighth session, as well as to the Human Rights Council, on the progress made in the implementation of the present resolution.

III. Relationship of the proposed requests to the strategic framework for the period 2012-2013

3. The foregoing requests relate to subprogramme 1, Prevention, management and resolution of conflicts, of programme 2, Political affairs, and subprogramme 3, Advisory services, technical cooperation and field activities, and subprogramme 4, Supporting the Human Rights Council, its subsidiary bodies and mechanisms, of programme 19, Human rights, of the strategic framework for the period 2012-2013 (A/65/6/Rev.1).

IV. Activities by which the requests would be implemented

4. In his report to the General Assembly (A/67/333), the Secretary-General outlined his continued broad-based consultations with the authorities and key stakeholders, including democracy and human rights groups, as well as key Member States with regard to implementation of the good offices mandate.

5. The Secretary-General recognizes that the new civilian Government headed by President Thein Sein has undertaken dramatic and significant reform measures to consolidate democracy, enacting new laws in active sessions of the national parliament and regional assemblies; reaching out to various ethnic groups to promote peace and national reconciliation; releasing significant numbers of political prisoners; and taking measures to carry out economic reforms aimed at transforming the largely centralized economy into an increasingly market-oriented one that is open to foreign investment and trade. In the past year, the Special Adviser to the Secretary-General visited Myanmar three times at the invitation of the Government: in November 2011, following the new steps taken in the implementation of reforms, national dialogue and reconciliation; in February 2012, ahead of the April 2012 by-elections; and in June 2012 during the early days of the first outbreak of communal violence in Rakhine State. In addition, the Special Adviser also accompanied the Secretary-General during his most recent visit to Myanmar in April/May 2012 and made a further visit to the country in September 2012.

6. The complex and evolving situation in Myanmar has required the Secretary-General and his Special Adviser to continue to provide their good offices by engaging comprehensively with the Myanmar authorities and other relevant stakeholders. Engagement in the political, humanitarian, and socioeconomic fields was equally important to advancing the objectives of the good offices mandate. The Special Adviser therefore sought to achieve progress in five areas: (a) the release of political prisoners; (b) the pursuit of an inclusive dialogue between the Government and all relevant parties to the national reconciliation process, including those who are represented in the parliament as well as those who are not; (c) the creation of conditions conducive to an inclusive and credible political and electoral process; (d) measures to improve socioeconomic conditions by strengthening the partnership between the United Nations and Myanmar; and (e) a more regular pattern of

engagement and cooperation between Myanmar and the United Nations through the good offices process.

7. Notwithstanding the positive developments in the country, which have created an opportunity for a calibrated approach in the good offices process, Myanmar continues to face a number of political, human rights, development and humanitarian problems. Of particular concern are the second outbreak of communal violence in Rakhine State and the delay in reaching a ceasefire in the conflict area of Kachin State. The continued detention of the remaining political prisoners remains of concern to the United Nations and the international community.

8. The General Assembly's support for the existing capacity of the Secretary-General's good offices will therefore remain important in order to help the Government and other stakeholders to maximize the opportunities for greater democratization and national reconciliation through an inclusive political process. Member States continue to have a shared stake in the success of the current process to result in a credible transition that can contribute to the country's stability and development. The reform agenda and transition process offers a chance for a better understanding between Myanmar and the international community, and provides an opportunity for greater cooperation between Myanmar and the United Nations in the interest of the people of Myanmar.

9. Moving forward, the Secretary-General will continue to work with all concerned to support the efforts of the Government and the people of Myanmar tow .ds national reconciliation, the transition to democracy and full respect for human rights, as the necessary foundation for long-term stability and prosperity. In the light of the increasing activities and areas of engagement of the United Nations in Myanmar, including the new United Nations Development Programme (UNDP) country programme, which was submitted to the UNDP Executive Board last September, the preparation of the 2014 census and peacebuilding activities in border areas, the Office of the Special Adviser continues to chair an inter-agency and interdepartmental working group on Myanmar at Headquarters, at the working and senior levels, to facilitate information-sharing and coordination, in view of the importance of enhancing United Nations system-wide coherence.

10. Consistent with the requests contained in operative paragraph 21 (a) and (b) of draft resolution A/C.3/67/L.49/Rev.1, the efforts of the Secretary-General would continue in 2013 to provide his good offices and to pursue his discussions on the situation of human rights, the transition to democracy and the national reconciliation process with the Government and the people of Myanmar, involving all relevant stakeholders, including democracy and human rights groups, and to offer technical assistance in that regard. The efforts of his good offices would be carried out through his Special Adviser and his team, in close coordination with the Department of Political Affairs at Headquarters. The progress made in the implementation of the resolution would be reported to the General Assembly at its sixty-eighth session.

V. Estimated resource requirements

11. The estimated costs of continuing the efforts of the good offices of the Secretary-General to facilitate the process of national reconciliation and democratization through his Special Adviser for Myanmar, as requested in

paragraph 21 of draft resolution A/C.3/67/L.49/Rev.1, for a one-year period, from 1 January to 31 December 2013, amount to $1,397,800 net ($1,519,900 gross).

12. Those resources would cover the salaries of the Special Adviser (Under-Secretary-General) and four staff (2 P-4, 1 P-3 and 1 General Service (Other level)); the official travel of the Special Adviser to Myanmar, neighbouring countries in the region, Europe and North America, including United Nations Headquarters; the services of consultants; and miscellaneous services in support of his mission. Other substantive and administrative support to the Special Adviser would be provided by the Department of Political Affairs of the United Nations Secretariat.

13. The above requirements have been included in the report of the Secretary-General on estimates in respect of special political missions, good offices and other political initiatives authorized by the General Assembly and/or the Security Council (A/67/346/Add.1), and would be part of the 2013 appropriation for special political missions under section 3, Political affairs, of the programme budget for the biennium 2012-2013.

14. With regard to the request contained in the latter part of paragraph 21 (b), pertaining to the Special Rapporteur, the related requirements are considered of a perennial nature. As such, a provision of an estimated $73,600 per annum to implement the activities of the Special Rapporteur has been made, under section 24, Human rights, of the programme budget for the biennium 2012-2013.

15. At this juncture, no additional resources are requested for section 24, Human rights, beyond those reflected above.

VI. Summary

16. **Should the General Assembly adopt draft resolution A/C.3/67/L.49/Rev.1, additional requirements amounting to $1,397,800 net ($1,519,900 gross) would be required for the period from 1 January to 31 December 2013 for the continuation of the efforts of the good offices of the Secretary-General relating to the situation in Myanmar.**

17. **These requirements would be part of the 2013 appropriation for special political missions under section 3, Political affairs, of the programme budget for the biennium 2012-2013. Approval for these requirements is being sought in the context of the report of the Secretary-General on estimates in respect of special political missions, good offices and other political initiatives authorized by the Assembly and/or the Security Council (A/67/346/Add.1), currently before the Assembly for consideration during the main part of its sixty-seventh session.**

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Sixty-seventh session
Fifth Committee
Agenda item 130
Programme budget for the biennium 2012-2013

Contingency fund: consolidated statement of programme budget implications and revised estimates

Report of the Secretary-General

1. The consolidated statement of programme budget implications and revised estimates is hereby submitted in accordance with the guidelines for the contingency fund contained in the annex to General Assembly resolution 42/211.

2. Taking into account the recommendations of the Advisory Committee on Administrative and Budgetary Questions at the time of reporting, the total potential charges detailed in the annex to the present report would amount to $19,741,800, which exceeds the remaining balance of the contingency fund of $13,762,500,[1] by $5,979,300. In the formulation of these proposals, due consideration has been given to the procedures set out in paragraph 9 of annex I to General Assembly resolution 41/213 and in part C, paragraph 6, of the annex to resolution 42/211, which govern the contingency fund.

3. Resolution 41/213 stipulates that if additional expenditures are proposed that exceed resources available within the contingency fund, such additional resources are to be included in the budget only through the redeployment of resources from low-priority areas or the modification of existing activities. Otherwise, such additional activities are to be deferred until a later biennium. Moreover, paragraph 6 of the annex to resolution 42/211 stipulates that the Secretary-General, in his consolidated statement, should make proposals for revising the amount so that it would not exceed the available balance. In so doing, the Secretary-General would be guided by the indications of alternatives included in each statement of programme budget implications and in each proposal for revised estimates.

4. Efforts were undertaken to absorb requirements resulting from new and expanded mandates, including a review of expenditures to date. As reflected in the annex to the present report, this absorption includes an amount of $3,076,600 in the context of the Secretary-General's report on revised estimates resulting from

[1] As noted in General Assembly resolution 66/247.

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resolutions and decisions adopted by the Human Rights Council at its nineteenth, twentieth and twenty-first sessions (A/67/607) and an amount of $107,500 in the context of the Secretary-General's report on revised estimates resulting from resolutions and decisions adopted by the Economic and Social Council at its organizational sessions and the substantive session of 2012 (A/67/503). Furthermore, in reviewing the financial implications arising from the adoption of various draft resolutions by the Main Committees and as reflected in oral statements issued to the respective Committees during the current session, an amount of $689,700 was identified for absorption within approved resources for the biennium 2012-2013. However, the magnitude of additional requirements resulting from new and expanded mandates does not allow for full absorption.

5. It will be recalled that during its consideration of the proposed programme budget for 1994-1995, the Committee on Programme and Coordination questioned the usefulness of designating high or low priorities at the level of output or activity and recommended that this practice be discontinued.[2] The General Assembly subsequently endorsed the recommendation of the Committee in its resolution 48/228, thus removing the identification of high and low priority programme elements from the format of the programme budget. As the present format of the budget no longer contains priority-setting information approved by Member States, alternative options for the reallocation or reduction of resources between high- and low-priority mandated programme elements, including the deferral, termination and curtailment of mandated activities, would require Assembly approval.

6. Total potential charges of $19.7 million, as reflected in the table below, are based on recommendations of the Advisory Committee at the time of reporting and do not take into account the recommendations of the Advisory Committee relating to the reports of the Secretary-General on: (a) the implications of the decisions and recommendations of the outcome document of the United Nations Conference on Sustainable Development, (b) revised estimates resulting from resolutions and decisions adopted by the Human Rights Council at its nineteenth, twentieth and twenty-first sessions, (c) programme budget implications of the Committee against Torture, and (d) programme budget implications of the arms trade treaty.

Breakdown of potential charges[a] to the contingency fund by budget section

(Thousands of United States dollars)

Budget section		*Requirement for contingency fund[b]*
1.	Overall policymaking, direction and coordination	1 645.4
2.	General Assembly and Economic and Social Council affairs and conference management	5 449.2
4.	Disarmament	134.2
9.	Economic and social affairs	3 483.5
18.	Economic and social development in Africa	1 405.7
19.	Economic and social development in Asia and the Pacific	636.8
21.	Economic and social development in Latin America and the Caribbean	819.6

[2] *Official Records of the General Assembly, Forty-eighth session, Supplement No. 16* (A/48/16 (Part II), para. 40).

Budget section	*Requirement for contingency fund*[a]
22. Economic and social development in Western Asia	345.4
24. Human rights	5 611.8
29D. Office of Central Support Services	190.4
29E. Administration, Geneva	19.8
Total expenditures	**19 741.8**

[a] Based on recommendations of the Advisory Committee at the time of reporting.
[b] Net of staff assessment.

7. On the basis of the above, and subject to the further review by the General Assembly of the respective proposals and related recommendations of the Advisory Committee, the General Assembly is requested to consider the potential charges related to new and expanded mandates against the contingency fund as outlined above.

Annex

Contingency fund potential charges

(Thousands of United States dollars)

Remaining balance in the contingency fund as noted in General Assembly resolution 66/247						**13 762.5**
	Secretary-General's reports, revised estimates and programme budget implications[a]	*Existing provision in 2012-2013 programme budget*	*Identified for absorption*	*Recommendations of the Advisory Committee*	*Recommendations of the Fifth Committee*	*Potential charges to the contingency fund*
Administration of justice at the United Nations (A/67/265 and Corr.1)	1 688.3	–	–	–	TBD	1 688.3
Revised estimates resulting from resolutions and decisions adopted by the Economic and Social Council at its organizational sessions and the substantive session of 2012 (A/67/503)	1 093.8	–	(107.5)	(986.3)	TBD	–
Programme budget implications: Committee against Torture (A/C.5/67/11)	1 444.6	–	–	TBD	TBD	1 444.6
Revised estimates resulting from the decisions contained in the outcome document of the United Nations Conference on Sustainable Development, entitled "The future we want" (A/67/591)	8 583.3	–	–	TBD	TBD	8 583.3
Programme budget implications: The arms trade treaty (A/C.5/67/13)	563.8	–	–	TBD	TBD	563.8
Revised estimates resulting from resolutions and decisions adopted by the Human Rights Council at its nineteenth, twentieth and twenty-first sessions (A/67/607)	13 605.3	(3 066.6)	(3 076.6)	TBD	TBD	7 461.8
Total	**26 979.1**	**(3 066.6)**	**(3 184.1)**	**TBD**	**TBD**	**19 741.8**
Shortfall						**(5 979.3)**

[a] Net of staff assessment.